

IN THE UNITED STATES OF DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

VERONICA GARCIA GONZALEZ

*Plaintiff*

v.

FAMILY DOLLAR STORES OF  
TEXAS, LLC

*Defendant*

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CIVIL ACTION NO. 4:21-cv-1683

DEFENDANT DEMANDS A JURY

**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant **FAMILY DOLLAR STORES OF TEXAS, LLC**, (“Family Dollar”) hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, removing the above-captioned case to the United States District Court for the Southern District of Texas, Houston Division. The grounds for removal are as follows:

**I. Introduction**

1. Plaintiff Veronica Garcia Gonzalez (“Plaintiff” or “Gonzalez”), at the time this action was commenced, was, and still is, a resident and a citizen of Texas.

2. Defendant Family Dollar Stores of Texas, LLC, at the time this action was commenced, was, and still is, a resident and a citizen of the Commonwealth of Virginia.

3. Plaintiff claims that, on or about September 13, 2020, while at a Family Dollar store, she “slipped and fell on a foreign substance while she was getting her groceries.” Plaintiff’s Original Petition at 2. Plaintiff further contends that, as a result of the alleged incident, she sustained injuries to her right knee and back. *Id.*

4. On May 7, 2021, Plaintiff commenced a lawsuit in the 269<sup>th</sup> Judicial District Court of Harris County, Texas, Cause No. 2021-27479, styled *Veronica Garcia Gonzalez v. Family Dollar Stores of Texas, LLC*. *Id.* at 1.

5. Plaintiff avers, inter alia, that Defendant is liable for the failing to keep the premises in a safe condition. *Id.* at 2. Consequently, Plaintiff seeks to recover damages for negligence. *Id.* at 3-4.

## **II. Grounds for Removal**

### **A. Complete Diversity of Citizenship Exists Between the Parties and the Amount in Controversy Exceeds \$75,000.00**

6. Plaintiff is a citizen and a resident of Texas.

7. Defendant Family Dollar Stores of Texas, LLC is a foreign Limited Liability Company organized and existing under the laws of the Commonwealth of Virginia. Family Dollar Stores of Texas, LLC is a citizen of the Commonwealth of Virginia and its principal place of business is located at 500 Volvo Parkway in the City of Chesapeake, Commonwealth of Virginia. As a Limited Liability Company, Family Dollar Stores of Texas, LLC is comprised of individual members and one managing member entity – Family Dollar Stores of Ohio, Inc., which has a 100% interest in Family Dollar Stores of Texas, LLC. The business address for all of the individual members and the managing member entity of Family Dollar Stores of Texas, LLC is 500 Volvo Parkway, City of Chesapeake, in the Commonwealth of Virginia. Thus, pursuant to 28 U.S.C. § 1332(c)(1), all of the individual members of Family Dollar Stores of Texas, LLC, which includes Beth Berman, Sandra L. Boscia, Linde Carley, Jonathan Elder, Bradley Hunter, Michael Matacunas, Deborah Miller, William A. Old., Jr. Gary Philbin, Robert L. Rogers, Thomas E. Schoenheit, Shawnta Totten-Medley, and Kevin Wampler, are all citizens of the

Commonwealth of Virginia. The identity and titles of the individual members of Family Dollar Stores of Texas, LLC are as follows:

Beth Berman	Vice President/Deputy General Counsel/Assistant Secretary
Sandra L. Boscia	Assistant Secretary
Linde Carley	Assistant Secretary
Jonathan Elder	Vice President – Tax
Bradley Hunter	Vice President – Finance
Michael Matacunas	Chief Administrative Officer
Deborah Miller	Vice President
William A. Old., Jr.	Senior Vice President/General Counsel/Secretary
Gary Philbin	President/Chief Operating Officer
Robert L. Rogers	Senior Vice President /Real Estate
Thomas E. Schoenheit	Vice President/Assistant General Counsel/Assistant Secretary
Shawnta Totten-Medley	Vice President/Assistant Secretary
Kevin Wampler	Executive Vice President/Chief Financial Officer

8. Finally, Family Dollar Stores of Ohio, Inc., the sole managing member of Family Dollar Stores of Texas, LLC, is a foreign corporation organized and formed under the laws of the Commonwealth of Virginia and its principal place of business is located at 500 Volvo Parkway in the City of Chesapeake, Commonwealth of Virginia. Thus, pursuant to 28 U.S.C. § 1332(c)(1), Family Dollar Stores of Ohio, Inc. is a citizen of the Commonwealth of Virginia.

9. Plaintiff seeks damages in excess of \$75,000.00. Specifically, Plaintiff is seeking “monetary relief of \$250,000.00 or less including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.” *See* Plaintiff’s Original Petition at 2. Therefore, the amount in controversy exceeds \$75,000.00.

**B. Venue is Proper in This Division and in This District.**

10. Plaintiff filed this action in Harris County, Texas. The Houston Division of the Southern District of Texas encompasses Harris County, Texas. Thus, this district and division embrace the place where the state court action is pending. *See* 28 U.S.C. §1441(a).

### **III. Procedural Requirements for Removal**

11. This Notice of Removal is filed within thirty days of the date on which Defendant received the summons and complaint. Thus, this Notice of Removal is timely. *See* 28 U.S.C. § 1446(b).

12. Copies of all processes, pleadings, and orders have been filed separately with this Court. *See* 28 U.S.C. § 1446(a).

13. Pursuant to Local Rule 81 of the Southern District of Texas, the following documents are attached to this Notice of Removal: copy of all processes, attached hereto as Exhibit “A”; all pleadings attached hereto as Exhibit “B”; an Index of Matters Being Filed, attached hereto as Exhibit “C”; and a list of all Counsel of Record, including addresses, telephone numbers and parties represented is attached hereto as Exhibit “D”.

14. A copy of this Notice of Removal will be filed with the Harris County District Clerk’s office promptly and will be served on Plaintiff promptly. *See* 28 U.S.C. § 1446(d); *see also Nixon v. Wheatley*, 368 F. Supp. 2d 635, 640 (E.D. Tex. 2005) (Crone, J).

15. The filing fee has been paid to the Clerk.

### **IV. Prayer**

16. WHEREFORE, PREMISES CONSIDERED, Defendant **FAMILY DOLLAR STORES OF TEXAS, LLC** prays that the above-styled action now pending in the 269th Judicial District Court of Harris County, Texas be removed therefrom to this Honorable Court.

17. This Notice of Removal is filed subject to and without waiver of any defenses or objections to Plaintiff’s Original Petition as allowed by the Federal Rules of Civil Procedure or by any applicable law.

Respectfully submitted,

**GERMER, PLLC**

By: /s/ Robin N. Blanchette  
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ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been duly sent via e-serve on May 21, 2021 to all counsel of record, as follows:

info@basulaw.com  
Annie Basu  
Jordan Sloane  
Basu Law Firm, PLLC  
P.O. Box 550496  
Houston, Texas 77255

/s/ Robin N. Blanchette  
Robin N. Blanchette